

### **REMARKS**

Claims 1-13 are currently pending in the application. Only claim 1 is in independent form.

The Office Action has objected to the specification and drawings as including new matter into the disclosure. This matter has been removed from the claims and as such, renders the two objections moot. Reconsideration of the objection is respectfully requested.

Claims 1-13 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. It is respectfully submitted that the claim has been amended to remove the language objected to and reconsideration of the rejection is respectfully requested.

Claim 1 stands rejected under 35 U.S.C. §101 as claiming the same invention as that of claim 1 of U.S. Patent No. 6,641,884. However, the claim has been amended to overcome this rejection and reconsideration of the rejection is respectfully requested.

Claims 21 and 22 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,641,884. A properly executed Terminal Disclaimer is enclosed herewith and reconsideration of the rejection is respectfully requested.

Claims 14-21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the Martucci patent in view of the Lupke patent. As claims 14-21 have been canceled without prejudice, this renders the present rejection moot and reconsideration of the rejection is respectfully requested.

In view of the present amendment and foregoing remarks, reconsideration of the rejections and advancement of the case to issue are respectfully requested.

The Commissioner is authorized to charge any fee or credit any overpayment in connection with this communication to our Deposit Account No. 11-1449.

Respectfully submitted,

KOHN & ASSOCIATES, PLLC



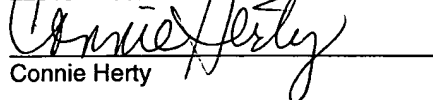
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Dated: March 29, 2005

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I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office To Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Mail Stop: Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
Connie Herty